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Dec 1914 - March 1915

THE VICE-CHAIRMAN OF
THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF TORONTO.



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TORONTO, December 2nd, 1964.

Dr. R. A. Falconer,
President, University of Toronto,
TORONTO.

My dear Dr. Falconer:- re Medical Council and
Reciprocity with Great Britain &c.

I think it would be well for your Committee to report to the Senate in similar terms to the draft report of the Board of Governors' Committee which I am sending you. I enclose a copy of that report with alterations which would make it suitable for a report of your Committee.

Faithfully yours,

A handwritten signature in cursive script, likely of the Vice-Chairman.

Vice-Chairman.

Enc.

THE VICE-CHAIRMAN OF
THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF TORONTO.



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TORONTO, December 2nd, 1904.

Dr. R. A. Falconer,
President, University of Toronto,
TORONTO.

My dear Dr. Falconer:- re Medical Council and
Reciprocity with Great Britain &c.

I enclose draft of proposed Report by the Committee of the Board of Governors who were asked to deal with this matter. It will probably give you all the information which is necessary at the present time. I am sending a copy to each of the other Members of the Committee, and am asking them to tell me whether they would be satisfied to have me make that report or whether they would like to have the Committee called together to discuss it. If all approve, it will save the time and trouble of a meeting, but should any wish for a discussion I will have a meeting called. Kindly let me know your views.

Faithfully yours,

A handwritten signature in cursive script, appearing to read "W. S. Ash".

Vice-Chairman.

Enc.

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December 3rd, 1914.

Z. A. Lash, Esq., LL.D.,

Toronto.

Dear Dr. Lash:

I have read with a great deal of satisfaction your report with regard to the Medical Council and reciprocity with Great Britain. It seems to me to satisfy all the requirements of the case, and I shall ask the Senate's Committee, as soon as your report is adopted by the Board of Governors, to adopt it also with the necessary changes and have it presented at the next meeting of the Senate.

With many thanks,

I am,

Yours sincerely,

President.

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THE VICE-CHAIRMAN OF
THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF TORONTO.



TORONTO, December 11th, 1904.

R. A. Falconer Esq., LL.D.,
President, University of Toronto,
TORONTO.

Dear Mr. President:-

The report which was adopted yesterday at the meeting of the Board of Governors approved of the principle of reciprocity between the General Medical Council of Great Britain and the Ontario Medical Council, and approved of the recommendation that Queen's and the Western be asked to join with the University of Toronto in a communication to the Ontario Medical Council supporting the establishment of reciprocity; and the Committee of the Board of Governors was authorized, in conjunction with the Committee of the Senate, or otherwise, to take such action to carry out the recommendation and to support an application by the Medical Council to the Legislature for such amendments to the Medical Act as may be required.

As a special meeting of the new Medical Council has been called for December the 21st, the matter of British Reciprocity to be the principal theme, no time should be lost in communicating with Queen's and the Western. The communication should I presume be sent by you to the Presidents of these Universities. I enclose

R. A. Falconer Esq., LL.D., -2-

for your consideration a form of such communication. Please make such changes in it as you wish.

So soon as the Senate has approved of your Committee's report I think we had better have another joint meeting of the two Committees, to decide upon the steps which should be taken before the Medical Council and to support an application by that Council to the Legislature for the necessary amendments to the Medical Act. The main question is,- whether we should content ourselves by addressing to the Medical Council a communication, or whether we should send a deputation to their meeting in support of the application.

Faithfully yours,



Vice-Chairman.

(Enc.)

Form of Letter suggested to be written by the
President of Toronto University to the
Presidents of Queen's and the Western.

Dear President
John A. [unclear] - Hamilton

The question of reciprocity between the General Medical Council in Great Britain and the Medical Council of Ontario, in relation to the registration of medical practitioners &c., has been before the Board of Governors of the University of Toronto and also before the Senate. Each of these bodies has passed a resolution approving of the principle of reciprocity, under which those holding diplomas in Ontario would without examination or other evidence of qualification be entitled to registration in Great Britain, and under which those holding diplomas in Great Britain would without examination or other evidence of qualification be entitled to registration in Ontario.

You are doubtless aware that the General Medical Council of Great Britain, though authorized by its constitution to make provisions for the admission to practice in Great Britain of medical practitioners registered and licensed in Ontario, would not make such provisions unless similar provisions were made in Ontario for the admission to practice here of practitioners registered in Great Britain. Under the Act of Ontario now governing the Medical Council, being Chapter 161 of the Revised Statutes

of Ontario 1914, the Medical Council is not authorized to register in Ontario practitioners registered under the Act relating to the General Medical Council of Great Britain unless such practitioners undergo examinations and comply with other formalities in Ontario.

The question of establishing reciprocity has been before the Medical Council on more than one occasion, but no definite action was taken. The subject has been lately discussed in the public press, and both the Board of Governors and the Senate, as mentioned, have approved of the principle. The matter was brought before the Senate by the Medical Faculty of the University, and the principle has the approval of that body.

The new Medical Council, elected this month, will, I am informed, hold a special session on the 21st inst., the principal matter to be then discussed being Reciprocity with Great Britain. I have been authorized by the Board of Governors and the Senate to ask your University to join with the University of Toronto in a communication to the Ontario Medical Council supporting the establishment of reciprocity. Some of the members of the Medical Council are strongly in favor of it, and a resolution on the subject will doubtless be moved at the coming meeting. It will be

necessary to have an amendment to the Act relating to the Medical Council, and if that Council supports the principle of reciprocity it will doubtless ask the Government to introduce the necessary amendment to the Act.

We believe that the movement in the Medical Council would be greatly strengthened by the support of the three Universities, and I write to invite the support of your University. As the time between now and the meeting of the Medical Council is so short, will you kindly write me your decision as soon as possible, and say whether you think the communication to the Ontario Medical Council should be one communication signed by the three Universities, or whether each should send its separate communication. Joint action would seem to me to be preferable.

There will doubtless be a difference of opinion among the medical profession upon this subject, but, looking at it from the University point of view, it seems to me that it would be greatly to the advantage of our Medical Faculties were reciprocity established.

*provided you do not prefer to send a direct
communication giving the views of your University
to the Secretary of the Ontario Medical Council.*

*With kind regards
Yours truly
Wm. H. McNamee.*

December 14th, 1914

Z. A. Lash, Esq., LL.D., K.C.,

Toronto.

Dear Dr. Lash:

I have written the letter which you so kindly drafted and the Presidents of the other Universities should have it to-morrow.

I shall be glad to have the Senate's Committee meet with your committee at a time that is convenient, perhaps on Friday of this week. It seems to me that our best way would be to have a personal conference with the Medical Council.

With kind regards, I am,

Yours sincerely,

President.

December 22nd, 4.

Dr. Bray,

Registrar, College of Physicians and Surgeons of Ontario,
T o r o n t o.

Dear Sir:-

Having been informed that it was the intention of the Council of the College of Physicians and Surgeons of Ontario to take into consideration the question of Reciprocity between the General Medical Council in Great Britain and the Medical Council of Ontario in relation to the registration of Medical Practitioners, the Board of Governors of the University of Toronto, also the Senate and the Medical Faculty, had the matter under consideration. At the instance of the Medical Faculty, the Senate passed a resolution in favor of the movement, and the Board of Governors approved of a report of a Special Committee approving of the principle of reciprocity and authorizing the Committee to support an application by the Medical Council to the Legislature of Ontario for such amendments to the Ontario Medical Act as might be required to confer upon the Council the necessary powers in that behalf.

On behalf of the Committees of the Board of Governors and the Senate, I have been requested to say to you that the University of Toronto is in favor of

Dr. Bray, -2-

having reciprocity established, and will afford any assistance which may be desired by the Council in support of an application to the Ontario Government and Legislature for the amendments to the Medical Act.

The questions involved are of course well known and understood by the Medical Council, and it is unnecessary for me to enlarge upon them. But it will not be out of place to quote here the words of Sir Donald MacAlister, K.C.B., Principal of the University of Glasgow and President of the General Medical Council of Great Britain, in opening the 100th Session of that Council on November 24th, 1914. He said -

"The magnificent rally of the Overseas Dominions
"to the defence of the Empire has cheered but not surprised us at home. Their troops, fully equipped for
"service in Europe, are accompanied by a number of able
"and efficient Surgeons. In virtue of the reciprocal
"relations which the Council has succeeded in establishing throughout the greater part of the Empire, the
"majority of these Surgeons are qualified for immediate registration at home, and are thus eligible for
"commissions in the Army Medical Service. Unfortunately some of the Provinces of Canada have so far omitted

Dr. Bray, -3-

"to entertain the overtures for reciprocity which this
"country has made. The result is that certain of the
"Surgeons, fully qualified under the Provincial law,
"find themselves debarred from acquiring what may be
"described as an Imperial status in the British register.
"The remedy lies solely with the Provincial authorities.
"I am not without hope that the representations which
"have been addressed to these authorities, in the int-
"erest of the Imperial Services, will induce them to
"consider afresh the question of reciprocity with this
"country. The war has made it clear that account must
"now be taken of its imperial as well as its local
"aspects of reciprocity."

Will you kindly submit this letter to the
Council at its present session.

I have the honor to be,

Your obedient servant,

(Sgd.) Z. A. Lash,

Chairman of Committee.

December 23rd, 1914

Z. A. Lash, Esq., K.C., LL.D.,

Toronto.

Dear Dr. Lash:

Many thanks for the copy of your letter. Apparently the letter has had its effect from our point of view, as I am glad to see by this morning's paper that the Council has agreed to reciprocity. That is a great step in advance. Sir Donald McAlister's statement is very much to the point.

With kind regards, I am,

Yours sincerely,

President.

March 3rd, 1917

T. A. Lash, Esq.,

Toronto.

Dear Mr. Lash:

I am sending you a copy of the bill which is before the House, and also of the medical law of Quebec, which seems to be taken as a model for the legislation now being sought on behalf of the Ontario Medical Council. I am also sending you a memorandum which Dean Clarke of the Faculty of Medicine has drawn up. In addition to this there is a copy of the resolution of the Ontario Medical Council with regard to reciprocity, which in his judgment has been disregarded by those who have endeavoured to secure this legislation.

In addition to what is found in Mr. Clarke's memorandum I am informed that the intention of those who introduced this bill was to have the same conditions prevail in Ontario as prevail in Quebec. These are outlined on page 10 of the pamphlet that I send you. It will be observed that no one will be registered in Quebec unless he holds a certificate from the United Kingdom of having studied for five years in succession in the United Kingdom. Such a provision prevents one of our students going to Britain taking one year of graduate study, passing their Council, and then returning to practise here without further admission on this side.

Yours sincerely,

President.

Er

Toronto General Hospital

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I. Moved in Amendment by Dr. Emerson, seconded by Dr. Griffin that we affirm the principle of Reciprocity between Britain and Ontario on the basis of the Medical Register of Ontario and the Medical Register of Great Britain and Ireland.

Carried.

II. Moved by Dr. E. E. King, seconded by Dr. J. F. Argue, that all preliminary arrangements necessary to bring into force the British Reciprocity be referred to the Legislative Committee the Subject be referred to the Solicitor of the College for advice as to the necessity of securing an Enabling Clause and to enter into negotiation with the Council of Great Britain to ascertain terms to enable the Reciprocity to become effectual and report to the next regular Meeting of the Council.

Carried.

"Having regard to qualifications" - Why not leave these words out
What does it mean? Is it essential? If not essential
Why not strike out.

THE VICE-CHAIRMAN OF
THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF TORONTO.



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TORONTO, March 5th, 1915.

Dr. R. A. Falconer,
President, University of Toronto,
TORONTO.

Dear Mr. President:- re Medical Act.

After receiving your letter I had an interview with Mr. Osler, with the result that he wrote me the enclosed letter. This amplifies what he said when he brought me the draft Bill, which I approved of. There is no doubt whatever as to Mr. Osler's good faith, and the good faith of Dr. King. I fear that Dr. Clarke is attributing to remarks of other members of the Medical Council more importance than they deserve. It does not seem at all likely that any trick will be played by the majority of the Council, but, should they attempt it, it will only recoil upon them next session, when the question would be taken entirely out of their hands by legislation.

Faithfully yours,

G. A. Lash,

Vice-Chairman.

per B.A.

Enc.

THE VICE-CHAIRMAN OF
THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF TORONTO.



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TORONTO, March 12th, 1915.

Dr. R. A. Falconer,
President, University of Toronto,
TORONTO.

Dear Mr. President:-

RE MEDICAL RECIPROCITY
WITH GREAT BRITAIN.

On my return from Ottawa this morning I found the enclosed letter from Mr. Osler, which I think should quiet affairs, for the present at all events.

On Tuesday I had an interview with Professor Macallum. I told him of my former interview with Mr. Osler and told him of the letter which he promised to write. Professor Macallum was under a misapprehension as to Dr. King's attitude, but when I told him what had taken place between Dr. King and myself he seemed relieved. The result of our interview, as I understood it, was that Professor Macallum agreed with the policy of waiting until the Medical Council acted before doing anything further.

I return Mr. Osler's other letter to me, which I borrowed from you the other day.

Faithfully yours,

A handwritten signature in cursive script, appearing to read "W. E. Lamb".

Vice-Chairman.

(Enc.)

MC CARTHY OSLER HOSKIN & HARCOURT,
Barristers, Solicitors &c.

*John Hoskin, K.C. F.W. Harcourt, K.C. H.L. Oster, K.C.
Leighton M. Carthy, K.C. D.L. M. Carthy, K.C.
Britton Oster, W.A. Cameron, J.F.H. M. Carthy.*

THE DOMINION BANK BUILDING,
68 YONGE STREET,
TORONTO.

March 4th, 1915.

Counsel:

Wallace Nesbitt, K.C.

Z. A. Lash, Esq., K.C.,
Canadian Bank of Commerce Building,
King Street West,
Toronto.

Dear Mr. Lash:-

ONTARIO MEDICAL ACT AMENDMENT ACT.

Referring to our conversation this morning and to the remarks of President Falconer which you read to me from his letter addressed to you, I beg to advise you as follows :-

There is no foundation whatever for the idea, that would no doubt naturally suggest itself to anyone familiar with the Quebec Act, that its provisions have been in view in the preparation of the present Bill. I had never seen the Quebec Act until you showed it to me nor did I hear it referred to in any discussions with any members of the Council.

The genesis of the present Bill is as follows :-

I was asked to attend a special meeting of the Council in December last and I stated to them in a few words that while the provisions of the present Act might seem to be sufficient to enable the Council to bring about reciprocity I was afraid difficulties would arise with the officials of the Privy Council and the General Medical Council in England, and I therefore

Z.A.Lash, Esq., K.C. #2.

advised that further powers be obtained from the Legislature if they wished to bring about reciprocity with Great Britain. I did not stay to hear the debate nor did I discuss the matter in detail with any of the members of the Council.

Subsequently Dr. King, as Chairman of the Legislative Committee, consulted me and laid before me a letter from the Registrar in Great Britain in reply to questions which the Ontario Registrar was instructed to ask.

This letter is too long to copy, containing as it does a considerable quantity of closely printed extracts from the Imperial Medical Act, and I do not like to let it go out of my possession as it will undoubtedly be required at the next meeting of the Council, but I shall be pleased to allow President Falconer or anyone from his office to read it.

Dr. King also showed me copy of the proceedings relating to reciprocity in Nova Scotia, which were founded upon an Act of the Legislature of that Province unconditionally admitting to Nova Scotia representation all British Medical practitioners.

The question obviously was whether the Legislature should, by its own Act or by direction to the Council, admit British Medical Practitioners to the Ontario Register unconditionally or upon definite conditions to be fixed by the Act, or whether powers should be conferred upon the Council to bring about reciprocity and, if necessary, to alter the conditions in future if reciprocal conditions for the admission of Ontario practitioners to England should be altered.

Z.A.Lash, Esq., K.C., #3.

The Council had authorized Dr. King's Committee to apply for the necessary powers and it seemed clear that an Act similar to that passed in Nova Scotia would not be satisfactory to the Council or to the profession in this Province, and the only possible course therefore appeared to be to prepare a Bill which, in the clearest language, should confer upon the Council powers which would enable them to satisfy the English officials that the Council had undoubted power to bring about and maintain reciprocity upon even terms.

It is quite true that no meeting of the Legislative Committee has been called, but I am responsible for this as I had been informed by the Premier that no general legislation dealing with the unauthorized practice of medicine in this Province could be introduced at this session, and I therefore advised Dr. King that unless any member of the Committee wished to have a meeting it would be unnecessary for him to call one. I mailed to each member of the Committee a copy of the draft Bill as submitted with the request that if any member thought that a meeting should be called to discuss it, he should write to Dr. King on the subject, pointing out further that the Act was merely an enabling Act which entrusted the Council with further powers to be used at their discretion.

I cannot of course answer for the ideas or expressions in debate of individual members of the Council, but speaking for the Council and for the Legislative Committee as a whole, upon

Z.A.Lash, Esq., K.C. #4.

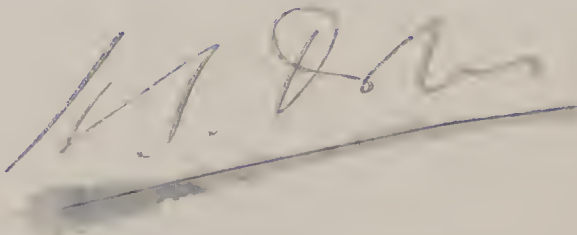
the instructions which I have received the object in view, appears to be simply reciprocity in registration.

Had there been any other object it seems to me that I should have probably been referred to the Quebec Act and that such object would appear in the questions submitted to the Registrar in Great Britain.

If President Falconer wishes to take the trouble to read these questions and the Registrar's reply thereto I think he will be satisfied that the object in view is reciprocity on even terms upon the basis of Ontario practitioners being given equal rights with registered practitioners in Great Britain.

I may add that my own view is that it would not be possible for the Council to impose special restrictive conditions in Ontario and obtain the necessary Privy Council Order in Great Britain.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Z.A. Lash', is written over a horizontal line. The signature is fluid and cursive.

MC CARTHY OSLER HOSKIN & HARCOURT,
Barristers, Solicitors &c.

*John Hoskin, K.C. F.W. Harcourt, K.C. H.L. Osler, K.C.
Leighton M. Carthy, K.C. D.L. M. Carthy, K.C.
Britten Osler, W.A. Cameron, J.T.M. M. Carthy.*

THE DOMINION BANK BUILDING,
68 YONGE STREET,
TORONTO.

March 10th, 1915.

Counsel:

Wallace Nesbitt, K.C.

Z. A. Lash, Esq., K.C.,
Canadian Bank of Commerce Building,
Toronto.

Dear Mr. Lash:-

RE MEDICAL RECIPROCITY WITH GREAT BRITAIN.

I did not write to you yesterday as arranged because I wished to look through my papers and telephone the Registrar to find out if we had not copies of regulations passed by the General Medical Council in Great Britain covering the conditions upon which registration may be obtained in the Colonial Register.

It occurred to me that perhaps if I had the English regulations I could have prepared a draft regulation which I could send to you with the assurance that it would be the draft submitted to Council with my advice that any substantial variation would be fatal to reciprocity.

I find that we have nothing of this kind and will have to obtain it from England before I can prepare a draft for submission to the Medical Council at their July Meeting.

I do not know why these regulations were not asked for except that it appears that the chief concern on the part of the members of the Council seems to have been lest registration on the Colonial Register gave only limited rights in Great Britain

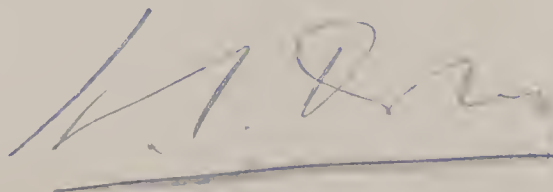
Z.A.Lash, Esq. K.C. #2.

This point, however, is completely cleared up by the letter of the Registrar in Great Britain explaining that the Colonial Register is merely a part of the General Register and that there is no difference or distinction with regard to the right to practice.

I can therefore only repeat the assurance which I gave you verbally that I will undertake to formally advise the Ontario Medical Council that any attempt to impose special restrictions upon registration in this Province would undoubtedly be resented by the authorities in Great Britain and would effectually block reciprocity at that end; there being no chance whatever that the General Council of Great Britain would agree to any reciprocity except upon even terms.

I will at the same time point out plainly to the Council that for this reason a vote in favour of any such restriction will be equivalent to a vote against reciprocity with the almost inevitable result that the matter would be dealt with by the Legislature at its next session.

Yours truly,



March 13th, 1915

Z. A. Lash, Esq., LL.D.,
Toronto.

My dear Dr. Lash:

Many thanks for your letter with
the enclosure from Mr. Osler. His letter seems to
me to be quite satisfactory.

With kind regards, I am,

Yours sincerely,

President.

